

Misuse of Social Media and Its Nexus with Abetment to Suicide: A Legal Analysis Under Indian Law

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Abstract

In the modern era, social media plays an important role in communication, enabling instant dissemination of information to millions of users at the tap of a finger. Responsible and ethical journalism has historically contributed to social reforms, legal awareness, and improved public participation. The emergence of Artificial Intelligence has further accelerated the creation and sharing of content at a speed not yet fully understood by society.

On the other hand, media is increasingly being misused to manipulate people through false news, rumours, sensational reporting, and unverified content aimed at increasing viewer count while ignoring journalistic ethics. Misreporting, targeted campaigns, and online harassment have adversely affected victims, resulting in extreme stress, trauma, and in some cases, suicides. Medical misinformation, character assassination, and unethical editing violate the right to life and dignity guaranteed under Article 21 of the Constitution of India. Though media freedom is important, unchecked and irresponsible reporting without accountability leads to dangerous consequences.

Keywords: Social Media, Misuse, Abetment to Suicide, Cyberbullying, Violation of Rights, Digital Regulation, Intermediary Liability.

1. Introduction

In the present generation, social media has become an indispensable part of daily life. Platforms such as Facebook, Twitter, Instagram, and WhatsApp enable the instant sharing of information across the globe. These platforms create awareness, facilitate discussions, and promote democratic participation in an unprecedented manner.

However, the misuse of social media has emerged as a serious concern for lawmakers, social scientists, and the judiciary alike. Fake news, rumours, and unverified content are often circulated to gain popularity and exert undue influence over public opinion. Such misuse has resulted in confusion, fear, communal hatred, reputational damage, and sometimes the irreversible loss of human life.

Although freedom of speech and expression is protected under Article 19(1)(a) of the Constitution of India, it is subject to reasonable restrictions under Article 19(2).³ The Supreme Court in *Shreya Singhal v. Union of India*⁴ emphasised the importance of protecting free speech while simultaneously recognising the need

for reasonable regulation in online spaces. Despite the existence of laws to prevent cyber-related crimes, such offences continue to rise at an alarming rate, as digital platforms are accessible to virtually every individual across the globe. Vulnerable groups, particularly adolescents and young women, are disproportionately the victims of these offences.

Research Objectives:

1. To analyse how the misuse of social media platforms contributes to and abets suicide.
2. To examine how cyberbullying and online humiliation adversely impact mental health, especially among teenagers and young adults.
3. To analyse whether the government and social media companies are discharging their responsibility to regulate harmful content and protect users.

Problem Statement:

In the digital era, social media has become a part and parcel of our day-to-day life. Through platforms like WhatsApp, Instagram, Facebook, and Twitter, information is spread across the globe at a very rapid pace. The dark side of this reckless information exchange is that it has created a fertile space for spreading unverified fake news and damaging rumours. Due to such unethical activities, many individuals' reputation, dignity, and mental peace have been adversely affected.

The misuse of social media results in continuous trolling, cyberbullying, false allegations, character assassination, and public shaming of individuals. The victims of these unethical practices are subjected to severe mental stress, depression, and emotional trauma. In some extreme cases, this psychological pressure even leads to suicide. According to Haq, fake news is typically disseminated through unreliable sources, often lacking the rigorous fact-checking associated with reputable journalism.⁵

In legal matters, direct physical instigation alone does not constitute abetment of suicide; mental cruelty, constant harassment, and deliberate humiliation are equally significant elements. However, with respect to online harassment and the spreading of fake news on social media, the clarity of the law remains insufficient. Even today, the accountability of social media users and platforms is inadequate and inconsistent.

LITERATURE REVIEW

Legal Framework and Judicial Interpretation

Scholars and courts have extensively examined the misuse of social media, especially cyberbullying, online harassment, creation of fake profiles, and public shaming. Section 306 of the Indian Penal Code, 1860⁶ provides punishment for abetment to suicide. However, traditionally, it has been applied to cases involving direct physical instigation. Proving instigation in online harassment cases remains legally challenging due to the anonymous and ephemeral nature of digital communication.

In *Gurcharan Singh v. State of Punjab*,⁷ the Supreme Court held that to establish abetment, there must be clear mens rea and direct or indirect acts of instigation. This principle is of significant importance when evaluating social media harassment cases. The court's reasoning underscores that mere temporal

correlation between online harassment and suicide may not suffice to attract criminal liability unless the nexus between the accused's conduct and the victim's decision is direct and demonstrable.

The Information Technology Act, 2000⁸ regulates offences such as identity theft and transmission of obscene material. However, after Section 66A was struck down in *Shreya Singhal v. Union of India*,⁴ concerns were raised regarding regulatory gaps in addressing abusive online speech. This landmark decision, while vital for protecting free expression, inadvertently created a void that perpetrators of online harassment have exploited. Comparatively, the Malicious Communications Act, 1988⁹ in the United Kingdom and various anti-cyberbullying statutes in the United States¹⁰ provide stronger preventive frameworks. Legal literature suggests that India requires clearer legislative guidance and stronger platform accountability mechanisms to bridge these gaps.

Psychological Impact and Social Consequences

Scholars across disciplines have highlighted that cyberbullying and continuous humiliation can lead to depression, anxiety, post-traumatic stress disorder (PTSD), and suicidal tendencies. Teenagers and young adults are particularly vulnerable given their formative stage of psychological development and the centrality of peer validation in their social lives.

Judicial recognition of the psychological impact of online harassment is evident in *Pawan Kumar v. State of Himachal Pradesh*,¹¹ where the Supreme Court emphasised that sustained harassment with a direct link to suicide can attract criminal liability under Section 306 IPC. This decision marked a significant step in recognising that mental cruelty inflicted through digital means can be as devastating as physical harm. Studies published in peer-reviewed journals further corroborate that the effects of cyberbullying mirror and, in many cases, exceed those of traditional bullying, due to its pervasive, public, and permanent nature. Once harmful content is uploaded on the internet, it is nearly impossible to erase entirely, perpetuating the victim's trauma indefinitely.

RESEARCH METHODOLOGY

Nature of the Study

This research has adopted a doctrinal and analytical methodology. The objective of this study is to examine the legal issues surrounding the misuse of social media and its connection with abetment to suicide. Relevant statutory provisions are examined in detail, particularly Section 306 of the IPC and the Information Technology Act, 2000, as they relate to online offences. From a constitutional perspective, Article 19(1)(a) and its reasonable restrictions under Article 19(2) have been analysed. Case laws and judicial pronouncements have been examined for legal clarity.

Sources of Data

This research is based on both primary and secondary sources. Primary sources include statutory enactments, constitutional provisions, Supreme Court judgments, and High Court judgments. Secondary sources include law textbooks, journal articles, research papers, and the National Crime Records Bureau (NCRB) statistics on suicides.¹²

Method of Analysis

This research adopts an analytical and critical approach. It examines whether the existing legal framework is sufficient to address social media misuse cases, particularly those relating to online harassment and suicide. The research also critically analyses the difficulties in proving instigation and intention in online harassment cases, drawing upon judicial reasoning across multiple jurisdictions.

Scope and Limitations

This research is confined primarily to legal analysis. No empirical surveys, interviews, or field studies have been conducted. Psychological and sociological aspects are discussed only through secondary sources. The scope is limited to Indian law, with comparative references to the United Kingdom and the United States where relevant.

FINDINGS

Psychological and Social Impact with Judicial Recognition

The misuse of social media results in continuous harassment, cyberbullying, and public humiliation, leading to depression, anxiety, emotional breakdown, and suicidal tendencies. The Supreme Court in *Gurcharan Singh v. State of Punjab*⁷ clarified that abetment requires proof of instigation or intentional aid, and observed that continuous harassment resulting in mental breakdown may attract criminal liability depending upon the specific facts of the case.

Similarly, in *Pawan Kumar v. State of Himachal Pradesh*,¹¹ the Court held that sustained harassment having a direct nexus with suicide may attract Section 306 IPC. These decisions collectively demonstrate that the judiciary is gradually expanding the interpretive scope of abetment to encompass the insidious consequences of online harassment.

Legal Framework and Challenges in Proving Abetment

Abetment to suicide is punishable under Section 108 of the Bharatiya Nyaya Sanhita, 2023¹³ (which replaces Section 306 IPC under the new criminal code). Establishing instigation, conspiracy, or intentional aid is a legal prerequisite. Online challenges such as deleted chats, anonymous identities, the use of proxy servers, and end-to-end encrypted communications create formidable evidentiary difficulties for investigating agencies. Digital forensics has evolved to address some of these challenges; however, the legal admissibility of electronically retrieved evidence under Section 65B of the Indian Evidence Act, 1872¹⁴ continues to pose procedural hurdles, and courts have insisted upon strict compliance with certification requirements.

Need for Preventive Regulation and Awareness

Empirical studies and NCRB statistics highlight that punitive action after the occurrence of harm is insufficient to address the structural causes of cyber-induced suicide. Preventive measures such as digital literacy programmes, accessible psychological counselling, effective grievance redressal mechanisms, and stronger intermediary accountability are necessary to reduce incidents of online-harassment-induced harm.

PSYCHOLOGICAL IMPACTS OF DIGITAL VALIDATION

In the modern digital age, digital validation has become an important psychological factor influencing individual behaviour. Digital validation refers to the emotional satisfaction an individual derives from likes, comments, shares, and follower counts on social media platforms. These platforms increasingly function as instruments through which individuals measure their self-worth and social standing.

When a person receives likes or positive comments online, dopamine is released in the brain, producing temporary feelings of pleasure and affirmation. However, repeated exposure to this reward mechanism may gradually develop into a compulsive dependency. A sudden decline in online engagement — such as reduced likes, negative comments, or public ridicule — can trigger profound feelings of rejection, disappointment, and diminished self-esteem. Over time, individuals may begin to prioritise online recognition over real-life achievements, attaching excessive importance to digital approval. This dependency contributes to anxiety, emotional instability, and psychological insecurity.

Scholarly research has indicated that excessive reliance on digital validation is significantly associated with increased depressive symptoms and suicidal ideation, particularly among adolescents who are at a developmentally sensitive stage of identity formation.¹⁵ The constant need for affirmation weakens emotional resilience and heightens vulnerability to psychological distress. When this fragile psychological equilibrium is disrupted by cyberbullying or public humiliation, the consequences can be catastrophic.

Furthermore, social media fosters a pervasive culture of comparison, wherein users frequently measure their lived experiences against the filtered and curated representations of others. This comparison results in body image concerns, financial insecurity, relationship dissatisfaction, and the Fear of Missing Out (FOMO). Despite having thousands of followers, many users experience profound inner loneliness — a phenomenon commonly referred to as the "loneliness paradox," which highlights the contradiction between high levels of virtual connectivity and deep emotional isolation. Thus, while digital validation may provide momentary gratification, its long-term psychological consequences can be severe and, in extreme cases, fatal.

SOCIAL MEDIA AND SUICIDAL THOUGHTS

The Mechanism of Online-Induced Trauma

When a false allegation goes viral — especially one relating to morality, personal conduct, corruption, relationships, or professional misconduct — it can completely destroy a person's reputation in society. The situation is compounded by the devastating impact on the victim's family and loved ones, who are equally subjected to social stigma. Overwhelmed by shame, fear of social judgment, and unrelenting public humiliation, victims may come to perceive suicide as the only means of escape from their unbearable psychological reality.

Social media has created a dangerous parallel of "trial by media," wherein judgments are passed without due process, verified evidence, or any form of fair investigation. The permanence and virality of online content mean that even after a false allegation is proven incorrect, its digital footprint often persists. As a result, victims lose their mental peace and are subjected to prolonged harassment, sleep disturbances, panic attacks, and an overwhelming sense of hopelessness. In such circumstances, the individual perceives suicide as the only available exit from a cycle of relentless online persecution.

The factors most commonly responsible for online-induced suicidal ideation include the fear of perpetual social judgment, continuous and sustained harassment leading to psychological breakdown, the spreading of false allegations that permanently destroy a person's reputation, and the irreversible and public nature of digital content that denies the victim any possibility of reclaiming their narrative.

Relevant Case Law

In *Kalandi Charan Lenka v. State of Odisha*,¹⁶ the accused created a fake social media profile and uploaded obscene content of the victim, causing grievous mental distress and severe public embarrassment. The court upheld charges under Sections 66C and 67 of the Information Technology Act, 2000, emphasising the paramount importance of protecting individual dignity in the digital space.

In *S. Khushboo v. Kanniammal*,¹⁷ the Supreme Court recognised that the right to reputation forms an intrinsic component of Article 21 of the Constitution, and that targeted attacks on an individual's character in the public domain can cause irreversible psychological harm. Though this case arose in a different factual context, its ratio is highly relevant to understanding the constitutional dimension of online harassment.

In *Rupesh Kumar Sao v. State of Jharkhand*,¹⁸ the High Court considered a case where the victim died by suicide following persistent online harassment. The court emphasised that digital evidence, including chat logs and screenshots, must be carefully evaluated to determine whether the accused's conduct crossed the threshold of abetment under Section 306 IPC. These judicial pronouncements collectively signal that courts are increasingly alive to the lethal potential of sustained online harassment.

ROLE OF INTERMEDIARIES AND PLATFORM ACCOUNTABILITY

Safe Harbour and Conditional Immunity

Social media intermediaries such as Instagram, Facebook, Twitter (now X), and YouTube occupy a pivotal position in the digital ecosystem. Their responsibility is not limited to merely hosting content; they bear an affirmative duty to ensure the safety and dignity of their users. Under Section 79 of the Information Technology Act, 2000,⁸ intermediaries are granted "safe harbour" protection from liability for third-party content. However, this immunity is conditional and is available only when the intermediary observes due diligence and complies with the requirements prescribed under the IT (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021.¹⁹

Upon receiving actual knowledge of unlawful or harmful content — whether through a court order, government notification, or a user complaint — the intermediary is obligated to remove or disable access to such content expeditiously. Failure to do so forfeits the safe harbour protection and renders the platform potentially liable for the continued circulation of harmful content.

Obligations of Intermediaries Under Indian Law

The IT Rules, 2021 impose several obligations upon significant social media intermediaries, including the appointment of a Chief Compliance Officer, a Nodal Contact Person, and a Grievance Officer who must be resident in India. The Grievance Officer is mandated to acknowledge complaints within twenty-four hours and resolve them within fifteen days. Additionally, intermediaries are required to publish monthly compliance reports disclosing the number of complaints received and actions taken. These obligations

represent a significant regulatory shift toward holding platforms accountable for the content they host and the safety of their users.

Furthermore, intermediaries can proactively contribute to user safety by providing helpline links to vulnerable users, displaying warning pop-ups when users search for content related to self-harm or suicide, and cooperating with law enforcement agencies during investigations into cases of online harassment. The integration of content moderation tools powered by Artificial Intelligence holds promise for early detection and removal of harmful content before it reaches a wider audience.

REMEDIES AND REGULATORY MEASURES

Existing Legal Remedies

Victims of online harassment in India may seek relief under multiple legal frameworks operating concurrently. Under criminal law, complaints may be filed for offences under Section 108 of the Bharatiya Nyaya Sanhita, 2023¹³ (abetment to suicide), Section 351 BNS (criminal intimidation), and Sections 66C, 66E, and 67 of the Information Technology Act, 2000.⁸ Under civil law, victims may initiate defamation proceedings and seek injunctions restraining the further publication of harmful content.

Constitutional remedies under Article 32 (before the Supreme Court) and Article 226 (before the High Court)²⁰ are also available where fundamental rights under Articles 19 and 21 are violated. Courts have in the past granted interim injunctions restraining the circulation of defamatory material online, and have directed social media platforms to remove harmful content pending the disposal of the main proceedings.

The Need for Structural Reform

Despite the existing legal arsenal, significant lacunae remain. The absence of a dedicated and comprehensive anti-cyberbullying statute in India is a critical gap. Existing laws are fragmented across the IPC/BNS, the IT Act, and the Constitution, making it difficult for ordinary citizens to navigate the legal system effectively. There is a compelling need for a consolidated statute that specifically addresses online harassment, cyberbullying, and digital defamation, with provisions for fast-track adjudication, emergency takedown orders, and mandatory compensation for victims.

Additionally, the enactment of stronger data protection laws under the Digital Personal Data Protection Act, 2023²¹ offers some relief to victims of doxxing and identity theft. However, its effective implementation and coordination with the IT Rules requires urgent attention from regulators.

Preventive Measures and Digital Literacy

Legal reform alone cannot address the menace of online harassment and cyber-induced suicide. Preventive measures are indispensable. Digital literacy programmes must be integrated into school curricula to educate young users about safe online behaviour, the legal consequences of cyberbullying, and the importance of critical evaluation of content before sharing. Mental health support systems, including school-based counselling and accessible online helplines, must be strengthened to provide timely intervention for at-risk individuals.

Social media platforms must invest in more sophisticated content moderation tools and commit to transparent enforcement of their community standards. Collaboration between government agencies, civil

society organisations, mental health professionals, and technology companies is essential to develop a holistic and effective response to the crisis of online harassment-induced suicide.

CONCLUSION

The misuse of social media has created serious legal and social concerns, especially when online harassment and continuous provocation push individuals toward suicide. While free speech under Article 19(1)(a)² is a fundamental right guaranteed by the Constitution, it must be balanced with reasonable restrictions under Article 19(2)³ and the protection of life and dignity under Article 21.¹ The right to life is not merely the right to physical survival; it encompasses the right to live with dignity, free from relentless harassment and public humiliation.

Under Indian law, abetment of suicide is punishable under Section 306 IPC⁶ and its successor provision, Section 108 of the Bharatiya Nyaya Sanhita, 2023.¹³ When continuous harassment, intentional humiliation, or deliberate provocation by a social media user pushes a person toward self-harm, criminal liability may arise if the requisite elements of instigation and mens rea are established. The judicial recognition of psychological cruelty as a constituent element of abetment is a progressive development that must be strengthened through clearer legislative guidance.

Ultimately, the challenge of online harassment and cyber-induced suicide demands a multi-pronged response: stronger legislation, effective intermediary accountability, proactive platform regulation, digital literacy, and accessible mental health support. The State, the judiciary, technology companies, and civil society must work in concert to ensure that the digital space, which holds such transformative potential for democracy and development, does not become an instrument of harassment, humiliation, and death.

Reference

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